

**U.S. District Court  
California Northern District (Oakland)  
CIVIL DOCKET FOR CASE #: 4:19-cv-01843-KAW**

The Center for Investigative Reporting et al v. U.S. Department of Labor

Assigned to: Magistrate Judge Kandis A. Westmore

Cause: 05:552 Freedom of Information Act

Date Filed: 04/05/2019

Jury Demand: None

Nature of Suit: 895 Freedom of

Information Act

Jurisdiction: Federal Question

**Plaintiff**

**The Center for Investigative Reporting**

represented by **Diana Victoria Baranetsky**  
The Center for Investigative Reporting  
1400 65th Street, Suite 200  
Emeryville, CA 94608  
(510) 809-3160  
Fax: (510) 849-6141  
Email: [vbaranetsky@revealnews.org](mailto:vbaranetsky@revealnews.org)  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Will Evans**

represented by **Diana Victoria Baranetsky**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**U.S. Department of Labor**

represented by **Ellen London**  
U.S. Attorney's Office  
450 Golden Gate Avenue  
San Francisco, CA 94102  
415-436-7288  
Email: [ellen.london@usdoj.gov](mailto:ellen.london@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Amicus**

**Reporters Committee for Freedom of the Press**

represented by **Townsend KatieLynn**  
Reporters Committee for Freedom of the Press  
1156 15th St. NW  
Suite 1020  
Washington, DC 20005  
202.795.9300  
Email: [ktownsend@rcfp.org](mailto:ktownsend@rcfp.org)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
04/05/2019	<u>1</u>	COMPLAINT against U.S. Department of Labor ( Filing fee \$ 400, receipt number 0971-13236002.). Filed by The Center for Investigative Reporting. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Civil Cover Sheet)(Baranetsky, Diana) (Filed on 4/5/2019) (Entered: 04/05/2019)
04/05/2019	<u>2</u>	Proposed Summons. (Baranetsky, Diana) (Filed on 4/5/2019) (Entered: 04/05/2019)

04/05/2019	<u>3</u>	Certificate of Interested Entities by The Center for Investigative Reporting (Baranetsky, Diana) (Filed on 4/5/2019) (Entered: 04/05/2019)
04/05/2019	<u>4</u>	Case assigned to Magistrate Judge Kandis A. Westmore.  Counsel for plaintiff or the removing party is responsible for serving the Complaint or Notice of Removal, Summons and the assigned judge's standing orders and all other new case documents upon the opposing parties. For information, visit <i>E-Filing A New Civil Case</i> at <a href="http://cand.uscourts.gov/ecf/caseopening">http://cand.uscourts.gov/ecf/caseopening</a> .  Standing orders can be downloaded from the court's web page at <a href="http://www.cand.uscourts.gov/judges">www.cand.uscourts.gov/judges</a> . Upon receipt, the summons will be issued and returned electronically. Counsel is required to send chambers a copy of the initiating documents pursuant to L.R. 5-1(e)(7). A scheduling order will be sent by Notice of Electronic Filing (NEF) within two business days. Consent/Declination due by 4/19/2019. (bwS, COURT STAFF) (Filed on 4/5/2019) (Entered: 04/05/2019)
04/05/2019	<u>5</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by Will Evans, The Center for Investigative Reporting.. (Baranetsky, Diana) (Filed on 4/5/2019) (Entered: 04/05/2019)
04/05/2019	<u>6</u>	<b>Initial Case Management Scheduling Order with ADR Deadlines: Case Management Statement due by 7/2/2019. Initial Case Management Conference set for 7/9/2019 01:30 PM. (jjbS, COURT STAFF) (Filed on 4/5/2019) (Entered: 04/08/2019)</b>
04/08/2019	<u>7</u>	<b>**DISREGARD, SEE DOCKET NO. 9 **</b> Summons Issued as to U.S. Department of Labor. (jjbS, COURT STAFF) (Filed on 4/8/2019) Modified on 4/9/2019 (jjbS, COURT STAFF). (Entered: 04/08/2019)
04/08/2019	<u>8</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by Will Evans.. (Baranetsky, Diana) (Filed on 4/8/2019) (Entered: 04/08/2019)
04/09/2019	<u>9</u>	Summons Issued as to U.S. Department of Labor. (jjbS, COURT STAFF) (Filed on 4/9/2019) (Entered: 04/09/2019)
04/09/2019	<u>10</u>	CERTIFICATE OF SERVICE by Will Evans, The Center for Investigative Reporting (Baranetsky, Diana) (Filed on 4/9/2019) (Entered: 04/09/2019)
04/18/2019	<u>11</u>	NOTICE of Appearance by Ellen London (London, Ellen) (Filed on 4/18/2019) (Entered: 04/18/2019)
05/06/2019	<u>12</u>	STIPULATION to Extend Time to Answer or Otherwise Respond to Complaint filed by U.S. Department of Labor, The Center for Investigative reporting and Will Evans. (London, Ellen) (Filed on 5/6/2019) Modified on 5/6/2019 (jmlS, COURT STAFF). (Entered: 05/06/2019)
05/07/2019	<u>13</u>	CLERK'S NOTICE Re: Consent or Declination: Defendant shall file a consent or declination to proceed before a magistrate judge. Note that any party is free to withhold consent to proceed before a magistrate judge without adverse substantive consequences. The forms are available at: <a href="http://cand.uscourts.gov/civilforms">http://cand.uscourts.gov/civilforms</a> . Consent/Declination due by 5/21/2019. (kcS, COURT STAFF) (Filed on 5/7/2019) (Entered: 05/07/2019)
05/08/2019	<u>14</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by U.S. Department of Labor.. (London, Ellen) (Filed on 5/8/2019) (Entered: 05/08/2019)
05/29/2019	<u>15</u>	<i>Defendant's</i> ANSWER to Complaint by U.S. Department of Labor. (London, Ellen) (Filed on 5/29/2019) (Entered: 05/29/2019)
06/18/2019	<u>16</u>	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options (Baranetsky, Diana) (Filed on 6/18/2019) (Entered: 06/18/2019)
06/19/2019	<u>17</u>	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options (London, Ellen) (Filed on 6/19/2019) (Entered: 06/19/2019)
06/27/2019	<u>18</u>	STIPULATION WITH PROPOSED ORDER to Adjourn Case Management Deadlines filed by U.S. Department of Labor, The Center for Investigative Reporting and Will Evans. (London, Ellen) (Filed on 6/27/2019) Modified on 6/28/2019 (jmlS,

		COURT STAFF). (Entered: 06/27/2019)
07/01/2019	<u>19</u>	<b>Order by Magistrate Judge Kandis A. Westmore granting <u>18</u> Stipulation to Adjourn Case Management Deadlines. Status Report due by 7/17/2019.(dtmS, COURT STAFF) (Filed on 7/1/2019) (Entered: 07/01/2019)</b>
07/17/2019	<u>20</u>	STIPULATION WITH PROPOSED ORDER <i>to Set Summary Judgment Schedule</i> filed by U.S. Department of Labor, The Center for Investigative Reporting, and Will Evans. (London, Ellen) (Filed on 7/17/2019) Modified on 7/18/2019 (jjbS, COURT STAFF). (Entered: 07/17/2019)
07/18/2019	<u>21</u>	<b>Order by Magistrate Judge Kandis A. Westmore granting as modified <u>20</u> Stipulation Setting Summary Judgment Briefing Schedule.(dtmS, COURT STAFF) (Filed on 7/18/2019) (Entered: 07/19/2019)</b>
07/19/2019		Set Deadlines/Hearings: Dispositive Motion due by 8/16/2019. Response/Cross motion due by 9/16/2019. Response/Reply due by 9/30/2019. Reply due by 10/14/2019. Motion Hearing set for 11/7/2019 01:30 PM before Magistrate Judge Kandis A. Westmore. (dtmS, COURT STAFF) (Filed on 7/19/2019) (Entered: 07/19/2019)
08/06/2019	<u>22</u>	STIPULATION WITH PROPOSED ORDER <i>to Set Summary Judgment Briefing Schedule</i> filed by U.S. Department of Labor, The Center for Investigative Reporting, and Will Evans. (London, Ellen) (Filed on 8/6/2019) Modified on 8/7/2019 (jjbS, COURT STAFF). (Entered: 08/06/2019)
08/06/2019	<u>23</u>	<b>Order by Magistrate Judge Kandis A. Westmore granting <u>22</u> Stipulation Setting Summary Judgment Briefing Schedule. Dispositive Motion due by 8/23/2019. Response/Cross Motion due by 9/23/2019.Response due by 10/7/2019. Reply due by 10/21/2019. (dtmS, COURT STAFF) (Filed on 8/6/2019) (Entered: 08/08/2019)</b>
08/23/2019	<u>24</u>	MOTION for Summary Judgment filed by U.S. Department of Labor. Motion Hearing set for 11/7/2019 01:30 PM before Magistrate Judge Kandis A. Westmore. Responses due by 9/23/2019. Replies due by 10/7/2019. (Attachments: # <u>1</u> Declaration of Tania Barros, # <u>2</u> Declaration of Julie Crane, # <u>3</u> Declaration of Kelly Kayser, # <u>4</u> Declaration of Mirelle King, # <u>5</u> Declaration of Sarah Lee, # <u>6</u> Declaration of Nancy Lewis-Treolo, # <u>7</u> Declaration of Dave Nickerson, # <u>8</u> Declaration of Natalie Speno, # <u>9</u> Declaration of Victoria Thrasher, # <u>10</u> Declaration of Mollie Wong, # <u>11</u> Declaration of D. Lissette Gean, # <u>12</u> Proposed Order)(London, Ellen) (Filed on 8/23/2019) (Entered: 08/23/2019)
09/03/2019	<u>25</u>	STIPULATION WITH PROPOSED ORDER filed by Will Evans, The Center for Investigative Reporting and U.S. Department of Labor. (Baranetsky, Diana) (Filed on 9/3/2019) Modified on 9/4/2019 (jjbS, COURT STAFF). (Entered: 09/03/2019)
09/04/2019	<u>26</u>	<b>Order by Magistrate Judge Kandis A. Westmore granting <u>25</u> Stipulation Setting Summary Judgment Briefing Schedule.(dtmS, COURT STAFF) (Filed on 9/4/2019) (Entered: 09/04/2019)</b>
09/04/2019		Set/Reset Deadlines as to <u>24</u> MOTION for Summary Judgment . Responses due by 9/30/2019. Replies due by 10/21/2019. Motion Hearing set for 11/21/2019 01:30 PM before Magistrate Judge Kandis A. Westmore. (dtmS, COURT STAFF) (Filed on 9/4/2019) (Entered: 09/04/2019)
09/30/2019	<u>27</u>	NOTICE of Appearance by Townsend KatieLynn (KatieLynn, Townsend) (Filed on 9/30/2019) (Entered: 09/30/2019)
09/30/2019	<u>28</u>	MOTION to File Amicus Curiae Brief filed by Reporters Committee for Freedom of the Press. Responses due by 10/15/2019. Replies due by 10/22/2019. (Attachments: # <u>1</u> Amicus Brief, # <u>2</u> Proposed Order)(KatieLynn, Townsend) (Filed on 9/30/2019) (Entered: 09/30/2019)
09/30/2019	<u>29</u>	OPPOSITION/RESPONSE (re <u>24</u> MOTION for Summary Judgment ), and CROSS-MOTION for Summary Judgment filed byThe Center for Investigative Reporting. (Attachments: # <u>1</u> Declaration, # <u>2</u> Declaration, # <u>3</u> Declaration, # <u>4</u> Declaration, # <u>5</u> Exhibit, # <u>6</u> Proposed Order)(Baranetsky, Diana) (Filed on 9/30/2019) Modified on 10/1/2019 (jjbS, COURT STAFF). (Entered: 09/30/2019)

10/04/2019	<u>30</u>	<b>ORDER REGARDING UNUSABLE CHAMBERS COPIES re <u>29</u> OPPOSITION/RESPONSE (re <u>24</u> MOTION for Summary Judgment ) and Cross–Motion for Summary Judgment filed by The Center for Investigative Reporting. Plaintiffs shall provide a usable chambers copy of the exhibits and the corresponding declaration as described in this order, by 10/9/2019. Signed by Judge Kandis A. Westmore on 10/4/2019. (kawlc1, COURT STAFF) (Filed on 10/4/2019) (Entered: 10/04/2019)</b>
10/08/2019	<u>31</u>	<b>SECOND ORDER REGARDING UNUSABLE CHAMBERS COPIES re <u>29</u> OPPOSITION/RESPONSE (re <u>24</u> MOTION for Summary Judgment ) and Cross–Motion for Summary Judgment filed by The Center for Investigative Reporting. Plaintiffs shall provide a usable chambers copy of the exhibits and the corresponding declaration as described in this order, by 10/15/2019. Signed by Judge Kandis A. Westmore on 10/8/2019. (kawlc1, COURT STAFF) (Filed on 10/8/2019) (Entered: 10/08/2019)</b>
10/11/2019	<u>32</u>	STIPULATION WITH PROPOSED ORDER <i>to Set Summary Judgment Briefing Schedule</i> filed by U.S. Department of Labor Will Evans, and The Center for Investigative Reporting. (London, Ellen) (Filed on 10/11/2019) Modified on 10/15/2019 (jjbS, COURT STAFF). (Entered: 10/11/2019)
10/18/2019	<u>33</u>	<b>ORDER by Judge Kandis A. Westmore Granting <u>32</u> Stipulation to Set Summary Judgment Briefing Schedule. (ndrS, COURT STAFF) (Filed on 10/18/2019) (Entered: 10/18/2019)</b>
10/18/2019		Reset Deadlines/Hearings as to <u>24</u> MOTION for Summary Judgment and <u>29</u> Cross–Motion for Summary Judgment, See Docket No. <u>33</u> : Responses due by 10/28/2019; Replies due by 11/12/2019. and Motion Hearing set for 12/5/2019 01:30 PM before Magistrate Judge Kandis A. Westmore. (ndrS, COURT STAFF) (Filed on 10/18/2019) (Entered: 10/18/2019)
10/28/2019	<u>34</u>	OPPOSITION/RESPONSE to Cross–motion for Summary Judgment and Reply in Support of Motion for Summary Judgment (re <u>29</u> OPPOSITION/RESPONSE (re <u>24</u> MOTION for Summary Judgment ) and Cross–Motion for Summary Judgment ) filed by U.S. Department of Labor. (Attachments: # <u>1</u> Declaration Supplemental Declaration of D. Lissette Gen; Exhibit A – C)(London, Ellen) (Filed on 10/28/2019) Modified on 10/29/2019 (jjbS, COURT STAFF). (Entered: 10/28/2019)
11/12/2019	<u>35</u>	REPLY (re <u>29</u> OPPOSITION/RESPONSE (re <u>24</u> MOTION for Summary Judgment ) and Cross–Motion for Summary Judgment, <u>24</u> MOTION for Summary Judgment ) filed by The Center for Investigative Reporting. (Attachments: # <u>1</u> Declaration, # <u>2</u> Exhibit)(Baranetsky, Diana) (Filed on 11/12/2019) (Entered: 11/12/2019)
11/26/2019	<u>36</u>	<b>ORDER granting Motion to File Amicus Curiae Brief signed by Magistrate Judge Kandis A. Westmore: granting <u>28</u> Motion. (shyS, COURT STAFF) (Filed on 11/26/2019) (Entered: 11/26/2019)</b>
11/26/2019	<u>37</u>	Statement of <i>Recent Decision</i> by U.S. Department of Labor. (Attachments: # <u>1</u> Exhibit A)(London, Ellen) (Filed on 11/26/2019) (Entered: 11/26/2019)